

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:      Andreas CADUFF

Serial No.:      10/580,209

Group No.:      1614

Filed:      September 28, 2007

Examiner:      N/Y/A

For:      DEVICE AND METHOD FOR MEASURING A PROPERTY OF LIVING TISSUE

Attorney Docket No.:      U 016310-9

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the attached Form PTO-1449. Copies of the listed documents are also attached, except for the listed U.S. Patent document.

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**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

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Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. 1.8(a)**

- ☐ with sufficient postage as first class mail.

**37 C.F.R. 1.10\***

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**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office. to **(571)-273-8300**

**EFS-WEB**

- ☒ transmitted electronically

Date: January 15, 2010

Signature

Raymond A. DiPerna

*(type or print name of person certifying)*

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

The listed documents were cited in an Office Action (entitled “Notice of Reasons for Rejection”) dated October 27, 2009 issued from the Japan Patent Office in connection with corresponding Japanese Application No. 2006-541776. An English translation of the Office Action is also attached. The Office Action indicates the degree of relevance found by the foreign office, and makes consideration of any non-English art required. MPEP 609.04(a)III.

For a concise explanation of relevance of JP 2003-163593, the Examiner is directed to corresponding U.S. Patent Application Publication No. US 2003/0098745.

It is noted that WO 02/069791 and GB 2055206, cited in the Japan Office Action, were previously cited to the USPTO in connection with the Information Disclosure Statement of May 22, 2006. Accordingly, those documents are not being again listed on the attached Form PTO-1449.

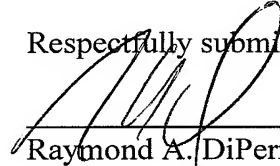
#### CONCLUSION

To the best of Applicant's knowledge, an Office Action on the merits has not yet been mailed.

No fee is believed to be due in connection with this paper. Nevertheless, if any fee is deemed to be due, please charge that fee to Deposit Account No. 12-0425.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'RD', is written over a horizontal line.

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